



U.S. Department of Justice

United States Attorney  
District of Idaho

*file*  
*S. Mead*  
**ID 0961**  
**4.5.88**  
**59**

Federal Building, Box 037  
550 West Fort Street  
Boise, Idaho 83724

April 5, 1988

RECEIVED

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WASTE MANAGEMENT BRANCH

C. Ben Martin, Esq.  
Martin, Chapman, Park & Burkett  
775 N. 8th, Suite 200  
P. O. Box 2898  
Boise, ID 83701

Re: US v. Bingham, Civil No. 88-3011,  
USAtty No. S-86-0370

Dear Mr. Martin:

I have discussed this case with my clients at EPA and they have advised me that they are interested in negotiating an early settlement of this dispute with your client, Mr. Bingham. This letter is to propose a specific settlement as to Mr. Bingham.

EPA has determined that it is not in the best interests of the United States to have your client conduct any additional activity on the site. While the site is not completely closed, work has progressed to the point where it is no longer practicable for your clients to participate.

EPA would be willing to settle with your clients by a Court entered Consent Decree which would act as a final judgment as to Mr. Bingham. As a part of that Decree, Mr. Bingham would agree to pay the sum of thirty thousand (\$30,000.00) as a civil penalty.

If this proposal is acceptable to your client, please let me know so that I can draft the appropriate Decree. We understand that there may be other details in the language of the Decree which you would want to discuss. You should understand that since this is an EPA enforcement case, final approval of the settlement would come from our Washington offices, and any agreement we reach is contingent upon their approval.

This settlement proposal is of limited duration. If the government finds it necessary to initiate discovery or to expend any additional effort on this litigation, then the amount of the civil penalty for which the government would be willing to settle




will increase. The amount proposed by this letter will never decrease. We take this position in EPA enforcement litigation because of its high cost; it is not unique to your client. The government has taken into account your client's apparent willingness to negotiate at an early stage in the litigation and we have reduced our bottom line from \$40,000.00 to \$30,000.00 -- and we will settle for that amount.

Please discuss this proposal with your clients and advise of their response as soon as possible.

Very truly yours,

MAURICE O. ELLSWORTH  
United States Attorney



JEFFERY W. RING  
Assistant United States Attorney

bc: Monica Kirk, EPA  
Chuck Rice, EPA